

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION ATHLETIC GRANT-IN-AID CAP
ANTITRUST LITIGATION

Nos. 14-md-02541 CW
14-cv-02758 CW

This order pertains to all actions

ORDER DENYING
MOTION TO DISMISS
AND MANTAINING STAY
ON JENKINS

(Dkt. No. 1178)

Following the non-jury trial and entry of judgment in In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation, Case No. 14-md-02541 (the consolidated action), the Court requested on March 19, 2019, that the parties address the issue of how the Court should proceed with respect to Jenkins v. National Collegiate Athletic Association, Case No. 14-cv-02758 (Jenkins), which was stayed pending the trial in the consolidated action. Defendants now move to dismiss Jenkins with prejudice on the ground that it is barred by res judicata. See Docket No. 1178. Plaintiffs oppose the motion and request that the Court maintain the stay on Jenkins until the pending appeals in the consolidated action are exhausted, at which point Plaintiffs may either stipulate to dismiss it or move to remand it to the District of New Jersey. See Docket No. 1186.

Because maintaining the stay on Jenkins until the appeals on the consolidated action are resolved would not burden any party or the Court, and because maintaining the stay would promote

1 efficiency, the Court DENIES WITHOUT PREJUDICE the motion to
2 dismiss, and GRANTS Plaintiffs' request to maintain the stay on
3 Jenkins pending the appeals in the consolidated action. Within
4 fourteen days of the date on which the mandate resolving the
5 pending appeals in the consolidated action is issued, each side
6 shall file a statement regarding the disposition of Jenkins
7 consistent with the mandate.

8 IT IS SO ORDERED.

9 Dated: May 31, 2019


10 Claudia Wilken
11 United States District Judge